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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/902,035	07/10/2001	Timothy David Forrester	42252-1009	7784
32968	7590	10/07/2005	EXAMINER	
KYOCERA WIRELESS CORP. P.O. BOX 928289 SAN DIEGO, CA 92192-8289			TRINH, TAN H	
		ART UNIT	PAPER NUMBER	
		2684		

DATE MAILED: 10/07/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)	
	09/902,035	FORRESTER, TIMOTHY DAVID	
	Examiner TAN TRINH	Art Unit 2684	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on 13 April 2005.  
 2a) This action is FINAL.                            2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 26 and 27 is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
 5) Claim(s) \_\_\_\_\_ is/are allowed.  
 6) Claim(s) 26 and 27 is/are rejected.  
 7) Claim(s) \_\_\_\_\_ is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on 10 July 2001 is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413)
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Date. _____
3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
	6) <input type="checkbox"/> Other: _____

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

2. Claims 26 and 27 are rejected under 35 U.S.C. 102(a) as being anticipated by Ramesh (U.S. Patent No. 6212368).

Regarding claim 26, Ramesh teaches a method for wireless communications (see figs. 1-2 and 4), comprising the steps of: (a) Ramesh inherently teaches generating a list of base stations within range of a wireless communications device for a first antenna and a second antenna of the wireless communications device (see col. 5, lines 6-20, since the reference deal with CDMA IS-95 the base station list or neighbor list is inherent); (b) monitoring a reception characteristic of the first antenna that is coupled to a receiver module of the wireless communications device (see figs. 1-2, 4 and 6, col. 5, lines 6-27); (c) if the monitored reception characteristic becomes poor, then testing reception characteristics between the first antenna and the base stations on the list and between the second antenna and the base stations on the list (see col. 1, lines 59-col. 2, line 4, col. 5, lines 45-67, col. 7, lines 6-67); and (d) if the tested reception characteristic of a particular antenna and a particular base station is better than the monitored reception characteristic, then coupling the receiver module to the particular antenna and coupling wirelessly the wireless communications device to the particular base station (see col. 8, lines 7-61).

Regarding claim 27, Ramesh teaches a method for wireless communications communications (see figs. 1-2 and 4), comprising the steps of: (a) Ramesh inherently teaches generating a list of base stations within range of a wireless communications device for a first antenna and a second antenna of the wireless communications device (see col. 5, lines 6-20, since the reference deal with CDMA IS-95 the base station list or neighbor list is inherent); (b) monitoring a transmission characteristic of the first antenna that is coupled to a transmitter module of the wireless communications device (see col. 2, lines 5-29, col. 6, lines 38-63, col. 10, lines 50-65, col. 11, lines 1-16); (c) if the monitored transmission characteristic becomes poor, then testing transmission characteristics between the first antenna and at least one of the base stations on the list and between the second antenna and at least one of the base stations on the list (see col. 7, lines 18-54); and (d) if the tested reception characteristic of a particular antenna and a particular base station is better than the monitored transmission characteristic, then coupling the transmitter module to the particular antenna and coupling wirelessly the wireless communications device to the particular base station (see col. 7, lines 55-col. 8, line 6, lines 45-61).

### *Conclusion*

3. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Nagata (US 6178323) discloses system and method for determining a tentative master of a radio conference system.

Munekata (US 6393287) discloses system for switching speech channel between loosely couple radio base stations.

Art Unit: 2684

**4. Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks  
Washington, D.C. 20231

**or faxed to:**

**(571) 273-8300, (for Technology Center 2600 only)**

*Hand-delivered responses should be brought to the Customer Service Window (now located at the Randolph Building, 401 Dulany Street, Alexandria, VA 22314)*

**5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tan Trinh whose telephone number is (571) 272-7888. The examiner can normally be reached on Monday-Friday from 9:30 AM to 6:00 PM.**

If attempts to reach the examiner by telephone are unsuccessful, the examiners supervisor, Nay Maung, can be reached at (571) 272-7882.

The fax phone number for the organization where this application or proceeding is assigned is **(571) 273-8300**.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the **Technology Center 2600 Customer Service Office** whose telephone number is **(703) 306-0377**.

6. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Tan H. Trinh  
Art Unit 2684  
September 19, 2005

*T. Trinh* 9/24/05  
TILAHUN GESESSE  
PRIMARY EXAMINER